

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Louisiana Statewide)	RM-11577
Interoperability Executive)	
Committee Petition for)	
Rulemaking)	

To: The Commission

Comments of the Region 33 (Ohio) 700 MHz. Planning Committee

These comments are filed by the Region 33 (Ohio) 700 MHz Planning Committee (RPC), in support of the Petition for Rulemaking, RM-11577, filed by the Louisiana Statewide Interoperability Executive Committee, concerning the date for required narrowbanding of 700 MHz public safety radio frequencies to 6.25 KHz efficiency.

Relevancy

The Region 33 RPC represents all Part 90 eligible public safety/public service entities in the state of Ohio from every discipline of service, governmental and non-governmental alike, in all areas concerning the use of the 700 MHz. public safety band.

The Region 33 Public Safety 700 MHz Communications Plan was submitted to the Commission on December 9th, 2008 and formally approved September 10th, 2009. During the early years of the RPC, when the Plan was being drafted and under-going frequent review, 6.25 KHz channel bandwidth provisions were included such that we might be good stewards of the spectrum. However, there had been no mention of any mandatory transition date at that time. What we referred to as "narrow band" in the Plan were the 12.5 KHz. channels. Also, there was no radio equipment manufactured for sale in the public safety arena that was capable of 6.25 KHz. It was only just this past summer (2009) that equipment was type accepted and released for sale that we realized 6.25 efficiency was now a "real thing".

Ohio, as Louisiana, is highly vulnerable to catastrophic weather events. Tornadoes, heavy snow and ice storms and lingering effects of Gulf of Mexico hurricanes in the form of flooding rains and wind, to name a few. Local severe rainfall plagues various areas of the state almost predictably and can cause serious flooding issues on a yearly basis as well.

Ohio is a main transportation corridor, with cross country shipments by train and truck a daily occurrence. Occasional accidents involving either of these mediums can impact other shipments and effectively block citizen travel and commodity movements for extended periods of time. Ohio is also home to two nuclear power plants with a third residing just across the border in Shippingport, Pennsylvania. Such events and installations require efficient, effective communications interoperability at all levels of government.

Discussion

We feel Paragraphs 13, 14 and 15 of the FIFTH MEMORANDUM OPINION AND ORDER, SIXTH REPORT AND ORDER, AND SEVENTH NOTICE OF PROPOSED RULEMAKING, adopted on January 5, 2005 and released January 7, 2005, need to be re-evaluated because there have been significant changes in the equipment marketplace and system and funding landscape since that time.

We feel the Commissions estimation of the lifespan of public safety equipment to be only 10 years is unrealistic in today's fiscal and technological environment. Our agencies are planning for 12 or even 15 years for recently purchased equipment through the Federal grant process.

M/A-COM's contention that it would have dual-mode equipment available by January 2007 turned out to be July 2008, according to the Harris RF website. Harris bought M/A-Com during this time period. Likewise, Motorola finally released its 6.25 capable equipment in early to mid-2009, later than expected.

The projected date for availability of the 700 MHz. frequencies to public safety agencies was extended. This particularly affected those agencies and Regions adjacent to the Canadian border where some UHF-TV licensees on Channels 64 and 69 don't have to vacate until August 31, 2011. This significantly impedes implementation of a sizable upgrade of the State of Ohio MARCS system in the Cleveland metropolitan area. Frequencies in the Channel 63 and 68 blocks will be used initially, although this will not provide enough capacity for the several thousand units anticipated on the system.

In the last two to three years a great deal of grant monies has been made available by various Federal agencies, primarily the Department of Homeland Security, for Improving Interoperable Communications. According to our State Administrative Agency, Ohio received approximately \$75 million dollars over those three years toward that goal. Some of these grants (PSIC) typically require a 20% matching contribution, so several million more local dollars went toward this program, in addition to considerable local monies for expenditures that we have no way to tabulate. Including money the State spent in infrastructure improvements, it would be safe to say the grand total could easily exceed \$100 million dollars over that three year period.

Because public safety agencies in this area received considerable monies in these grant programs, they have been anticipating the availability of improved interoperability inherent with P25 technology, using the equipment obtained with the aforementioned programs.

Those grant funds were used to purchase communications equipment available at the time that the vendors now tell us will not be upgradable and capable of operating at 6.25 KHz efficiency. Considering the effective date of the 6.25 requirement promoted in the above R & O / NPRM this provides for only a scant 7 to 8 year usable equipment lifespan. This means that our agencies, who were expecting to have equipment that would serve them for 12 to 15 years or more, must literally "throw it out" after 8 years or less. This is an unthinkable waste of Federal grant dollars and taxpayer's money. This greatly concerns the Region 33 RPC and we believe the heads of the grant funding agencies will likely be concerned as well. Many of the local agencies we work with are highly upset and think we, the RPC, somehow let them down or allowed them to be led

astray, when in reality, the grant funds had to be used on the available equipment at the time. Equipment capable of supporting 6.25 kHz efficiency was simply not available.

Interoperable communications means different things to different people in different regions and states. Ohio was indeed fortunate to already have in place a fully interoperable statewide 800 MHz platform, servicing some 20 state agencies and 150 local agencies with somewhere in the vicinity of 10-12,000 radios. With the Multi-Agency Radio Communications System (known as MARCS), Ohio had a big jump on interoperability to begin with. Constructed at a cost of over \$271 million dollars, it consists of over 200 transmitter sites that provide better than 99% mobile coverage of the state. It became fully operational in 2004 and plans to expand this system into the 700 MHz. band has been on-going for the past two years.

With the aforementioned influx of grant money, today we find more than 700 user agencies; state, county, city, township, health districts, hospitals, public and private EMS providers including every medical helicopter and numerous Federal agencies, utilizing nearly 35,000 subscriber units, most, if not all of which, we now find will be nearly obsolete in seven or eight years. The cost of replacing this equipment in today's economic environment will be devastating and likely a fiscal impossibility for State and local government entities. The result could severely hamper or curtail the needed level of interoperability we are striving to achieve.

While it is true the above mentioned equipment will still be operable on the older 800 MHz. portion of the system, this reversion to "old technology" would be a giant step backward in interoperability and definitely not good public policy or in the public interest.

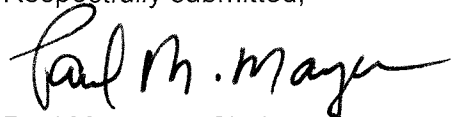
Conclusion

For the reasons stated above, we feel portions of the FIFTH MEMORANDUM OPINION AND ORDER, SIXTH REPORT AND ORDER, AND SEVENTH NOTICE OF PROPOSED RULEMAKING needs to be re-evaluated.

The Region 33 RPC respectfully asks, what is driving the date of December 31, 2016? To our knowledge, no demonstrated need has been shown for additional spectrum in this band. There has been no hue and cry raised from the users that existing channels are too congested. In most areas of the country, 700 MHz. has not even been implemented. There is no Congressional mandate that we are aware of.

If any date is necessary at this time, we would support the Louisiana suggested date of December 31, 2024 to be satisfactory until more is known about demand and usage of the spectrum. However, this RPC thinks the public safety community and the public interest would be better served if the Commission were to withdraw or reverse their action pending further study and review.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul M. Mayer". The signature is fluid and cursive, with the first name "Paul" being the most prominent.

Paul M. Mayer, Chairman
Region 33 (Ohio) 700 MHz. Planning Committee
November 19, 2009